

REMARKS/ARGUMENTS

Favorable reconsideration of this application, in light of the following discussion, is respectfully requested.

Claims 1, 2, 4-8, 10-13, and 15-17 are pending in this case.

The outstanding Office Action rejected Claims 1, 2, 4-8, 10-13, and 15-17 under 35 U.S.C. § 103(a) as unpatentable over Tomatsuri, et al. (U.S. Patent No. 4,367,028, herein "Tomatsuri") in view of Cocca (U.S. Patent No. 5,315,342), further in view of Fellegara, et al. (U.S. Patent No. 5,845,166, herein "Fellegara").

Applicant respectfully traverses the rejection of the pending claims.

The outstanding Office Action asserts Tomatsuri as teaching every element of Claim 1 except a flash device, which it asserts Cocca as teaching, and a digital camera, which it asserts Fellegara as teaching.

However, the flash system 10 comprising active surface range finder 40 of Cocca cannot properly modify Tomatsuri, as detailed below, to cure the deficiencies of Tomatsuri with regard to a flash device, as defined by Claim 1.

With regard to the flash device, the outstanding Office Action asserts:

However Cocca teaches a camera (figure 1) that has a flash unit 10 integrated with an active and passive range finding system 40 that is used for autofocusing in the housing 38.

Therefore taking the combined teachings of Tomatsuri and Cocca, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have the range finding unit and a flash unit be combined together in order to have a smaller size and therefore less bulky for the user to carry and easier to manufacture.

Thus, the outstanding Office Action proposes to modify (replace) the autofocusing range finder 3 of Tomatsuri with the flash system 10 of Cocca that includes an active surface range finder 40.

However, the active surface range finder 40 comprised by the flash system 10 of Cocca is not an autofocus range finder at all. Instead, as clearly described at column 9, lines 54-63 of Cocca, the active surface range finder 40 is angled upward to determine a distance to an indirect reflecting surface 18. The active surface range finder 40 provides a signal indicating the distance to the indirect reflecting surface 18, which is used by the camera's microprocessor to adjust the flash output, to be reflected off the indirect reflecting surface 18, in order to provide the appropriate amount of indirect light.

That is, the upward angled active surface range finder 40 measures a distance to the ceiling, for example, to determine the amount of flash output needed to provide indirect lighting. However, none of the range finders 40, 41, and 43, shown at Fig. 2 of Cocca, is an autofocus range finder.

Thus, the proposed modification (replacement) of the autofocus range finder 3 of Tomatsuri with the flash system 10 and active surface range finder 40 of Cocca is not proper under MPEP § 2143.01, at least because replacing the autofocus range finder 3 of Tomatsuri with the upward angled active surface range finder 40 of Cocca would clearly render the modified camera of Tomatsuri unfit for its intended purpose of providing an autofocus feature in conjunction with auto focusing range finder 4 of Tomatsuri.

Further, even if, *arguendo*, the flash system 10 of Cocca included an autofocus range finder, which it does not, the above-stated motivation in the outstanding Office Action for the combination of Tomatsuri and Cocca is without any basis and does not properly articulate the requisite rational underpinning for the asserted combination.

Specifically, the assertion in the outstanding Office Action that the replacement of a range finder 3 with a flash system 10 (where the flash system includes at least one range finder and most likely a microcontroller, which is essential to control the flash output based

on the signal from the range finder) would *reduce* size and bulk is difficult to understand and without any basis in either reference.

Further, because Tomatsuri does not include a flash device at all, as conceded by the outstanding Office Action itself, any asserted motivation for modifying the autofocusing range finder 3 with the flash system 10 of Cocca must specifically address why one of ordinary skill in the relevant art who is motivated to reduce size and bulk would find it obvious to *add* a flash functionality (and all of its required elements) to achieve that stated goal.

As discussed above, the outstanding Office Action fails to establish a *prima facie* case of obviousness at least because Tomatsuri cannot be modified by Cocca to include a flash device, as defined by Claim 1.

Because Tomatsuri, Cocca, and Fellegara fail to establish a *prima facie* case of obviousness against Claim 1, Applicant respectfully requests that the rejection of Claim 1 under 35 U.S.C. § 103(a) be withdrawn.

Claims 2, 4, 5, and 17 depend from Claim 1 and, therefore, patentably define over Tomatsuri, Cocca, and Fellegara for at least the same reasons as Claim 1. Further, Claims 2, 4, 5, and 17 define additional features that are also deficient in the cited combination of references.

For example, Claim 2 recites “said lens is arranged at an upper edge of the first side of said camera body.”

The outstanding Office Action, at page 3, erroneously cites the range finder 3 as the lens to assert that Tomatsuri teaches a lens “arranged at an upper edge” of the first side of the camera. However, the lens 2 of Tomatsuri is clearly shown, at Fig. 3, for example, as being approximately at the center of the camera body and does not teach the lens “arranged at an upper edge,” as required by Claim 2.

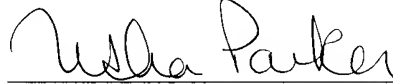
Thus, Applicant respectfully requests that the rejection of Claims 2, 4, 5, and 17 under 35 U.S.C. § 103(a) be withdrawn.

Claims 6 and 12, while differing in scope and statutory class from Claim 1, patentably define over the combination of Tomatsuri, Cocca, and Fellegara for reasons similar to those discussed above with regard to Claim 1. Thus, Applicant respectfully requests that the rejection under 35 U.S.C. § 103(a) of Claim 6, Claims 7, 8, 10, and 11, which depend therefrom, Claim 12, and Claims 13, 15, and 16, which depend therefrom, be withdrawn.

Accordingly, the outstanding rejections are traversed and the pending claims are believed to be in condition for formal allowance. An early and favorable action to that effect is, therefore, respectfully requested.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, L.L.P.



James J. Kulbaski
Attorney of Record
Registration No. 34,648

Usha Munukutla-Parker
Registration No. 61,939

Customer Number

22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 08/07)